

FILED

FEB 23 2012

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

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UNITED STATES MAGISTRATE COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

PEDRO DANIEL RODRIGUEZ, and
YUNIBA ELIZABETH CORDERO

Defendants.

No. 3:11-MJ-71425

~~PROPOSED~~ ORDER AND
STIPULATION FOR CONTINUANCE
FROM FEBRUARY 23, 2012 TO MARCH
8, 2012 AND EXCLUDING TIME FROM
THE SPEEDY TRIAL ACT
CALCULATION (18 U.S.C. §
3161(h)(8)(A)) AND WAIVING TIME
LIMITS UNDER RULE 5.1

With the agreement of the parties, and with the consent of the defendant, the Court enters this order scheduling an arraignment or preliminary hearing date of March 8, 2012 at 9:30 a.m. before the duty magistrate judge, and documenting the defendant's waiver of the preliminary hearing date under Federal Rule of Criminal Procedure 5.1 and the exclusion of time under the Speedy Trial Act, 18 U.S.C. § 3161(b), from February 23, 2012 to March 8, 2012. The parties agree, and the Court finds and holds, as follows:

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1. The defendants are currently in custody.

2. The defendants agree to an exclusion of time under the Speedy Trial Act, 18 U.S.C. § 3161(h)(8)(B)(iv) to provide reasonable time necessary for effective preparation, taking into account the exercise of due diligence.

3. The defendants waive the time limits of Federal Rule of Criminal Procedure 5.1 for preliminary hearing.

4. Counsel for the defense believes that postponing the preliminary hearing is in their clients' best interest, and that it is not in their clients' interest for the United States to indict the case during the normal 14-day timeline established in Rule 5.1.

5. The Court finds that, taking into the account the public interest in the prompt disposition of criminal cases, these grounds are good cause for extending the time limits for a preliminary hearing under Federal Rule of Criminal Procedure 5.1. Given these circumstances, the Court finds that the ends of justice served by excluding the period from February 23, 2012 to March 8, 2012, outweigh the best interest of the public and the defendant in a speedy trial. 18 U.S.C. § 3161(h)(8)(A).

6. Accordingly, and with the consent of the defendant, the Court (1) sets a preliminary hearing date before the duty magistrate judge on March 8, 2012, at 9:30 a.m., and (2) orders that the period from February 23, 2012 to March 8, 2012, be excluded from the time period for preliminary hearings under Federal Rule of Criminal Procedure 5.1 and from Speedy Trial Act calculations under 18 U.S.C. § 3161(h)(8)(A) & (B)(iv).

IT IS SO STIPULATED:

DATED: February 16, 2012

/s
ELIZABETH FALK
Attorney for Defendant Pedro Rodriguez

DATED: February 16, 2012

/s
LINDA FULLERTON
Attorney for Defendant Yuniba Cordero

DATED: February 16, 2012

/s
AARON D. WEGNER
Assistant United States Attorney

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1 IT IS SO ORDERED.

2 DATED: 2-7-3-12


HON. MARIA-ELENA JAMES
United States Magistrate Judge